

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
**thebullseye@msn.com**

Case No. 1:18-mj-42

THAT IS STORED AT PREMISES  
CONTROLLED BY **Microsoft Corporation,**  
**MSN Services, D.B.A. MSN.com Email**

**Judge Lee**

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

I, John Barnett, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with an account from February 1, 2017, to present, that is stored at premises controlled by Microsoft Corporation, One Microsoft Way, Redmond, WA, MSN Services, D.B.A. MSN.Com Email. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email, to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and have been since March 2015. I previously have approximately 15 years of local law enforcement experience. I am currently assigned to the ATF Chattanooga, Tennessee Field Office. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigators

Training Program. I am a graduate of the ATF National Academy's Special Agent Training Program. In the performance of my duties, I have conducted investigations for violations of state and federal laws, including drug trafficking, firearms trafficking, explosives crimes, and other violent crimes. Because of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws relating to firearms, explosives, arson and illegal controlled substances. This affidavit is in support of an application for a search warrant for the email address and content therein for thebullseye@msn.com that is stored at premises controlled by Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 26 U.S.C. 5861(d), Possession of Unregistered NFA, 26 U.S.C. 5861(a), Failure to Register as an Importer, have been committed by unknown persons using the email of thebullseye@msn.com. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband, and/or fruits of these crimes further described in Attachment B.

#### **JURISDICTION**

4. This Court has jurisdiction to issue the requested warrant pursuant to 18 U.S.C. § 2711(3)(A)(i).

#### **PROBABLE CAUSE**

5. A frame or receiver (also referred to as a “lower”) is the part of the firearm which provides housing for the hammer, bolt, or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel. During this investigation, two Colt M16A1

serialized frames or lowers were recovered from an individual who received them in the Eastern District of Tennessee. These Colt M16A1 serialized frames are considered “firearms” under 18 U.S.C. § 921(B). These frames are also considered “machineguns” as defined by 26 U.S.C. § 5845(b). The illegal importation of the Colt M16A1 lowers is a violation of 18 U.S.C. § 922(l), Importing Firearms into the United States, and 18 U.S.C. § 545, Smuggling Goods into the United States.

6. On March 12, 2018, Federal Magistrate Judge Steger authorized the search of nilsson023@gmail.com Gmail account. As a result of information obtained from that search, your Affiant has learned that the user of nilsson023@gmail.com communicated through email with the user of thebullseye@msn.com for the purchase of approximately twelve machinegun lowers. Further investigation shows thebullseye@msn.com is registered to The Bullseye, Lawrence HILL of Ardmore, TN. HILL has an active Federal Firearms License and has since September 11, 1989. HILL’s FFL number is 1-62-055-01-9k-33343. The email thebullseye@msn.com is the same business email that HILL uses for his ATF FFL communication.

7. Federal Firearms Licensees are authorized, registered and approved by ATF to engage in the business of manufacturing, importing, and/or dealing firearms. These persons must be licensed by ATF to engage in the business of firearms.

8. On August 20, 2017, thebullseye@msn.com emailed nilsson023@gmail.com as follows (the text of the messages are as they appear and have not been edited): “Johan, Did you sell all the VZ parts?” Nilsson023@gmail.com replied, “can get more =)”. Nilsson023@gmail.com further stated, “Sorry for the short reply, was on the phone. I ca get a lot of vz61 lowers and the other items as well in the note I sent you. I can also still get m16 and

416 lowers, same price for the 416 with FCG for you 1000\$. Best regards Johan". On August 20, 2017, [thebullseye@msn.com](mailto:thebullseye@msn.com) replied, "If the note items are available, I would be interested those, if you could refresh my memory on those prices. I may get a VZ for myself. Thanks, Larry". Your affiant knows that a VZ61 is a machinegun pistol. [Nilsson023@gmail.com](mailto:Nilsson023@gmail.com) sent [thebullseye@msn.com](mailto:thebullseye@msn.com) the following: "I'm planning to order 1-2 vz61 lowers this week. Best regards".

9. Privnote is an application that allows users to email or text each other, and once the message is read, it self-destructs, and is not retained by the Privnote servers or application. Your affiant is able to see that Privnote communications passed between [thebullseye@msn.com](mailto:thebullseye@msn.com) and [nilsson023@gmail.com](mailto:nilsson023@gmail.com) but unable to read the contents of such messages. There were several Privnote communications occurring between the viewable communications on August 20, 2017. [Thebullseye@msn.com](mailto:Thebullseye@msn.com) had a signature line attached to his email on August 20, 2017, that read:

*Larry Hill  
The Bullseye  
34001 Ardmore Ridge Rd  
Ardmore, TN 38449  
931-205-0721  
931-468-0289*

[Nilsson023@gmail.com](mailto:Nilsson023@gmail.com) replied to this email with a Privnote.

10. On August 30, 2017, [nilsson023@gmail.com](mailto:nilsson023@gmail.com) emailed [thebullseye@msn.com](mailto:thebullseye@msn.com) saying "I'm going to make an order of vz61 lowers. If you interested I can offer prepay prices 1x 500\$, 2x 900\$, 4x 1700\$. Price includes shipping, PayPal possible". [Thebullseye@msn.com](mailto:Thebullseye@msn.com) replied with a Privnote, and also wrote the following: "I'll let you know shortly on the VZ lower". [Nilsson023@gmail.com](mailto:Nilsson023@gmail.com) responded with a Privnote and then with "Sounds good".

11. On September 2, 2017, [thebullseye@msn.com](mailto:thebullseye@msn.com) and [nilsson023@gmail.com](mailto:nilsson023@gmail.com) began communicating mainly through Privnote. On October 7, 2017, [nilsson023@gmail.com](mailto:nilsson023@gmail.com) emailed [thebullseye@msn.com](mailto:thebullseye@msn.com) and asked, "Need any more A1 or 416 lowers?" [Thebullseye@msn.com](mailto:Thebullseye@msn.com) responded, "I'd prefer the A1's over all, if you haven't ordered the others. On October 8, 2017, [nilsson023@gmail.com](mailto:nilsson023@gmail.com) responded, "That will be no problem, I will ask around a little and the vz should sell fast. How many? My supplier have increased his prices and the value of the dollar have lowered 15% since 2 months so I need to increase prices on the a1 and 416 a little.

a1  
1x 550  
2x 1000  
3 1400  
5x 2200  
416 with FCG  
1300\$ each  
Best regards Johan"

12. On October 9, 2017, [thebullseye@msn.com](mailto:thebullseye@msn.com) replied, "Will need 3 maybe 4 A1's." [Nilsson023@gmail.com](mailto:Nilsson023@gmail.com) wrote, "1400/3= 466\$ How about 1800 for 4 shipped? 2100 for 5 with shipping if you can prepay. Damn washing machine broke yesterday. Had to buy a new one today for 700\$. I will not have enough to order lowers until end of month otherwise." [Thebullseye@msn.com](mailto:Thebullseye@msn.com) and [nilsson023@gmail.com](mailto:nilsson023@gmail.com) communicated through Privnote until November 21, 2017, when [thebullseye@msn.com](mailto:thebullseye@msn.com) emailed [nilsson023@gmail.com](mailto:nilsson023@gmail.com) stating, "Johan, Received the last of the lot. Thanks for all your help getting them here. Still want to pickup those A1's we discussed earlier, Larry." On November 22, 2017, [nilsson023@gmail.com](mailto:nilsson023@gmail.com) responded, "1400/3=466\$, How about 1800 for 4 shipped? 2100 for 5 shipping if you can, I don't have any lowers in stock right now." [Nilsson023@gmail.com](mailto:Nilsson023@gmail.com) then sent a Privnote.

13. On February 4, 2018, nilsson023@gmail.com emailed thebullseye@msn.com and asked if he wanted any more lowers, advising that he was about to order more.

Nilsson023@gmail.com offered “5 A1 lowers for 1800 with shipping or 10 for 3400 shipping.”

On February 9, 2018, thebullseye@msn.com responded, “Johan, for some reason your email went to my spam folder, so I just came across it while cleaning it out. I’m doing good, still have a big bump on my knee. It’s slowly shrinking. Hope all is well on your side. I’ll take 5 more of the A1 lowers, let me know when and where on the particulars, thanks, Larry.”

Nilsson023@gmail.com wrote that he had seven on the way and that they should arrive the following week. On February 12, 2018, thebullseye@msn.com responds saying, “Johan, 5 for now, unless I get calls for more.” On March 12, 2018, nilsson023@gmail.com sent an email to thebullseye@msn.com stating, “We can make a payment plan if you like. 7 + the 8. 3050 with shipping. 2050 payment now and I can send them all to you. Then the remaining 1000 USD within 1 month”. On March 12, 2018, thebullseye@msn.com responded, “Johan, I can do that. Thank you for the offer. Payment to nissenyfiken@yahoo.com correct?”

14. Your affiant knows that the user of nilsson023@gmail.com ships machinegun lowers from Sweden. Your affiant has reviewed emails from nilsson023@gmail.com in which the user of that address tells customers to expect the arriving packages to come from Sweden. More to the point, your affiant has engaged the user of nilsson023@gmail.com personally and has received machinegun lowers from him in packages indicating origination in Sweden. On April 14, 2018, your affiant requested and received from the United States Postal Service all shipment packing information for packages originating from Sweden and addressed to the residence and business of Lawrence HILL. According to USPS, there have been eight such packages shipped to 34001 Ardmore Ridge Rd, Ardmore, Tennessee. This is the listed residence

and business address of Lawrence HILL and his registered business, The Bullseye. The first package from Sweden was received on March 13, 2017. Your affiant requests the warrant cover a time period to include February 1, 2017, going forward, as affiant believes, based upon review of other communications involving nilsson023@gmail.com, including those detailed above, that communications involving this first shipment would have likely begun weeks prior to the actual shipment. The last package was received on March 26, 2018. According to USPS records, Valerie Hill, the wife of Lawrence HILL, signed for six of them, and an Ashley Hall signed for two of them.

15. A preservation request was sent to Microsoft Corporation on April 4, 2018 for thebullseye@msn.com. In general, an email that is sent to a Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email subscriber is stored in the subscriber's "mail box" on MSN.Com Email servers until the subscriber deletes the email. If the subscriber does not delete the message, the message can remain on MSN.Com Email servers indefinitely. Even if the subscriber deletes the email, it may continue to be available on the servers for a certain period.

#### **BACKGROUND CONCERNING EMAIL**

16. In my training and experience, I have learned that Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email provides a variety of on-line services, including electronic mail ("email") access, to the public. Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email allows subscribers to obtain email accounts at the domain name msn.com, like the email account[s] listed in Attachment A. Subscribers obtain an account by registering with Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email. During the registration process, Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email asks subscribers to provide basic personal information. Therefore, the computers of Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email are

likely to contain stored electronic communications (including retrieved and unretrieved email for Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email subscribers) and information concerning subscribers and their use of Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email services, such as account access information, email transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

17. In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and my experience, I know that, even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location, or illicit activities.

18. In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (*i.e.*, session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP



address”) used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.

19. In my training and experience, in some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account’s user or users.

20. This application seeks a warrant to search all responsive records and information under the control of Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email, a provider subject to the jurisdiction of this court, regardless of where Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email has chosen to store such information. The government intends to require the disclosure pursuant to the requested warrant of the contents of wire or electronic communications and any records or other information pertaining to the customers or subscribers if such communication, record, or other information is within Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email possession, custody, or control, regardless of whether such communication, record, or other information is stored, held, or maintained outside the United States.

21. As explained herein, information stored in connection with an email account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, email communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time. Further, information maintained by the email provider can show how and when the account was accessed or used. For example, as described below, email providers typically log the Internet Protocol (IP) addresses from which users access the email account, along with the time and date of that access. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculcate or exculpate the account owner. Additionally, information stored at the user’s account may further indicate the geographic location of the account user at a particular time (*e.g.*, location information integrated into an image or video sent via email). Last, stored electronic data may provide relevant insight into the email account owner’s state of mind as it relates to the offense under investigation. For example, information in the email account may indicate the owner’s motive and intent to commit a crime (*e.g.*, communications relating to the crime), or consciousness of guilt (*e.g.*, deleting communications in an effort to conceal them from law enforcement).

**CONCLUSION**

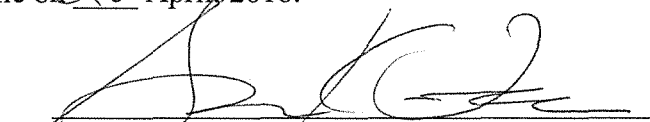
22. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



John Barnett  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Subscribed and sworn to before me on 20<sup>th</sup> April, 2018.



HONORABLE SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE

## **ATTACHMENT A**

### **Property to Be Searched**

This warrant applies to information associated with Lawrence HILL as thebullseye@msn.com that is stored at premises owned, maintained, controlled, or operated by Microsoft Corporation, MSN Services, D.B.A. MSN.Com Email, One Microsoft Way, Redmond, WA 98052-6399.

## ATTACHMENT B

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Microsoft Corporation, DBA MSN Services, MSN.Com Email**

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, regardless of whether such information is stored, held or maintained inside or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f) [April 4, 2018, Microsoft Preservation Number: GCC-997631-Q0S3J9], the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

ONLY  
FROM THE  
DATE  
FEBRUARY 1,  
2017 to  
THE DATE  
OF THIS  
ORDER

- a. The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. The types of service utilized;

d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;

e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken; and

f. For all information required to be disclosed pursuant to this warrant, the physical location or locations where the information is stored.

The Provider is hereby ordered to disclose the above information to the government within **fourteen days** of the issuance of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, contraband, evidence, and instrumentalities of violations of 26 U.S.C. 5861(d), Possession of Unregistered NFA, 26 U.S.C. 5861(a), Failure to Register as an Importer, these violations involving thebullseye@msn.com having occurred on **February 1, 2017** continuing to the present, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- (a) All electronic data including pictures used by or for thebullseye@msn.com, from February 1, 2017 to the present day, the use of thebullseye@msn.com to further Federal violations of Federal firearms law, the illegal importing and trafficking of firearms
- (b) Evidence indicating how and when the email account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crime under investigation and to the email account owner;

- (c) Evidence indicating the email account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) or alternate email addresses who created or used the user ID, including records that help reveal the whereabouts of such person(s).